

# **OFFICE OF SPILL PREVENTION AND RESPONSE TECHNICAL ADVISORY COMMITTEE BYLAWS**

## **ARTICLE I**

### **NAME**

**Section 1.** The Oil Spill Technical Advisory Committee. (hereafter referred to as the "Committee").

## **ARTICLE II**

### **PURPOSE**

**Section 1.** The Committee is established to provide public input and independent judgment of the actions of the Administrator of the Office of Spill Prevention and Response (OSPR) and the State Interagency Oil Spill Committee (SIOSC).

## **ARTICLE III**

### **MEMBERSHIP**

#### **Section 1. Members:**

The Committee shall consist of ten (10) members of whom six (6) shall be appointed by the Governor, two (2) by the Speaker of the Assembly and two (2) by the Senate Rules Committee. The appointments shall be made in the following manner.

- (a) The Speaker of the Assembly and Senate Rules Committee shall each appoint members who shall be representatives of the public.
- (b) The Governor shall appoint a member who has a demonstrable knowledge of marine transportation.
- (c) The Speaker of the Assembly and the Senate Rules Committee shall each appoint a member who has demonstrable knowledge of environmental protection and the study of ecosystems.
- (d) The Governor shall appoint a member who has served a local government elected official or who has worked for a local government.
- (e) The Governor shall appoint a member who has experience in oil spill response and prevention programs.
- (f) The Governor shall appoint a member who has been employed in the petroleum industry.
- (g) The Governor shall appoint a member who has worked in State government.
- (h) The Governor shall appoint a member who has demonstrable knowledge of the dry cargo industry.

## **Section 2. Term of membership:**

Notwithstanding any other provision of law, a member shall serve:

- (a) Until replaced by the appointing authority, or
- (b) Until member resigns

By a vote of no fewer than two thirds of the appointed Committee members, the Committee may ask a member for his or her resignation for good cause or for nonparticipation.

## **Section 3. Alternates:**

A Committee member may appoint an alternate representative. The alternate representative shall meet the same requirements and represent the same group as the appointing Committee member. The appointed alternate shall have full proxy powers of the Committee member, and may vote, participate in, or take any other action on behalf of the Committee member consistent with statutory provisions affecting the Committee, or any Bylaws affecting the Committee and its activities. An alternate may serve only in the absence of the Committee member.

## **Section 4. Attendance:**

While attendance at scheduled Committee meetings is not mandatory, members appointed to the Committee or their alternates are expected to attend, and participate, to the best of their ability.

Members who miss four consecutive meetings are deemed to be unavailable to serve on the Committee. Following the fourth consecutive absence of any Committee member, the Committee shall request from the appointing authority a replacement for the absentee Committee member.

## **Section 5. Reimbursement:**

The Administrator shall reimburse Committee members or alternates for expenses incurred in the conduct of official Committee business. Reimbursements shall be consistent with travel, per diem and other expense regulations applicable to California State appointees.

# **ARTICLE IV**

## **OFFICERS**

**Section 1.** A Chairperson and Vice Chair shall be elected by a majority vote of the Committee, who shall serve for a two (2) year term commencing at date of election.

**Section 2.** A Secretary shall be appointed by the Administrator. The Secretary shall not be a member of the Committee, but shall serve as an Administrative position to the Committee.

**Section 3.** The Administrator, and any personnel the Administrator determines to be appropriate and necessary, shall serve as staff to the Committee.

## **ARTICLE V**

### **STANDING SUBCOMMITTEES**

**Section 1.** The Committee may establish subcommittees as it deems necessary.

## **ARTICLE VI**

### **RECOMMENDATIONS FROM COMMITTEE**

**Section 1.** The Committee shall provide recommendations to the Administrator, the State Lands Commission, the California Coastal Commission, the San Francisco Bay Conservation and Development Commission, and the State Interagency Oil Spill Committee, on any provision of the Lember-Keene-Seastrand Oil Spill Prevention and Response Act, including the promulgation of all rules, regulations, guidelines, and policies.

**Section 2.** The Committee may, at its own discretion, study, comment on, or evaluate any aspect of oil spill prevention and response in the State. To the greatest extent possible, these studies shall be coordinated with studies being done by the Federal Government, the Administrator, the State Lands Commission, the State Water Resources Control Board, and other appropriate State and international entities. The Committee shall strive to cooperate with agencies and organizations interested in Oil Spill Prevention and Response programs to avoid duplication of efforts.

**Section 3.** Committee members may attend any drills called by or involving OSPR, or any oil spills, if practicable.

**Section 4.** The Committee shall prepare and submit all reports required by law.

## **ARTICLE VII**

### **MEETINGS**

**Section 1.** The Committee shall meet as often as required, but at least twice per year, preferably rotating among various venues within the State.

**Section 2.** Agenda for Meetings:

- (a) An agenda prepared by the Committee Chair in consultation with the Administrator and Committee members shall be prepared for each meeting of the Committee. The agenda shall be prepared no fewer than seven (7) days prior to the scheduled meeting and shall comply with all provisions of the Bagley-Keene Open Meeting Act.

- (b) Agendas shall be sent to the Committee and interested parties consistent with provisions of State law affecting notice of public meetings.
- (c) Agendas shall include a brief general description of each item to be discussed, including whether action is anticipated to be taken on an item.
- (d) Each agenda item which requires Committee action, shall include time for public comment.
- (e) Upon sufficient finding and a two-thirds (2/3<sup>rd</sup>) vote of Committee members present, the Committee may add an agenda item.
- (f) A Committee member can discuss an item not on the agenda under New Business. However, no action, by the Committee, can be taken until such time as the item is duly noticed at a regular or special meeting, and time has been allotted to receive public input prior to Committee action.

**Section 3.** The conduct of the meetings shall be governed by Robert's Rules of Order.

## **ARTICLE VIII**

### **VOTING**

#### **Section 1. Quorum:**

Except for the provisions in Article VII, Section 2(e), a quorum shall consist of a majority of Committee members in office or their alternates, which is normally the majority of the ten (10) member Committee. Should a quorum not be present, the Committee can proceed as a committee of the whole, and, can take public testimony, receive input on any agenda item duly noticed, but cannot take an action on any item.

#### **Section 2. Voting:**

- (a) With the exception of items specified in Article IX, passage of any item subject to a vote by Committee members shall be a majority of those present appointed members or their alternates at a meeting. No action shall be taken on any item which is not on the agenda mailed pursuant to Article VII.
- (b) Due to the advisory nature of the Committee and its selected representatives, members shall not be excused from voting for potential conflict of interest in most cases.

## **ARTICLE IX**

### **BYLAWS: ACCEPTANCE AND AMENDMENTS**

#### **Section 1. Enactment of Bylaws:**

To enact bylaws, the proposed bylaws must be:

- (a) Included as an agenda item at a regular meeting.
- (b) Noticed to the public in accordance with provision of Section 2 to Article VII of these bylaws.

- (c) Be approved by two-thirds ( $2/3^{\text{rd}}$ ) of the appointed Committee members or their alternates.

**Section 2. Amendment of Bylaws:**

- (a) The bylaws shall become effective January 1, 2003, and shall continue in force until amended or repealed.
- (b) The bylaws may be amended, repealed or re-enacted in whole or in part by a two-thirds majority vote of those present at a regular meeting of the Committee or at any special meeting called for such purpose, provided that written public notice of such proposed amendments is provided consistent with provisions of Section 2 to Article VII of these bylaws.